

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0130

Import/Export of Wildlife and Wildlife Parts and Products

Request for Approval of a CITES Export Program

50 CFR 23 Subpart F

The following information supports our request for Office of Management and Budget (OMB) approval to collect information pursuant to regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These regulations stipulate general and specific requirements that, when met, allow the Service to issue permits to authorize activities that are otherwise prohibited. The information that we collect will assist in the evaluation of requests for approval of State and tribal programs for export of CITES-listed native species including American ginseng, American alligator, bobcat, river otter, Canada lynx, gray wolf, and brown bear.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

CITES regulates international trade in listed species through a system of permits and certificates. Attached are the CITES Treaty (see Article IV), Resolution Conf. 11.11 (Rev. CoP13) (Regulation of trade in plants), and Resolution Conf. 11.12 (Universal Tagging System for the Identification of Crocodilian Skins). The Service's authority to implement the treaty lies within Section 8A of the Endangered Species Act.

American ginseng, American alligator, bobcat, river otter, Canada lynx, gray wolf, and brown bear are listed in Appendix II of CITES. Appendix II specimens entering international trade must be accompanied by documents issued under guidelines set by CITES. Before an export permit can be issued, the CITES Scientific Authority of the exporting country must determine that the export will not be detrimental, and the Management Authority must be satisfied that the specimens were legally acquired. The Scientific Authority must also monitor exports to ensure that the level of trade is sustainable. Information on harvest levels and population trends provided by State and tribal governments facilitates issuance of permits and allows the Service to fulfill its monitoring obligations with regard to CITES.

States and tribes set up and maintain management and harvest programs designed to monitor and protect American ginseng, American alligator, bobcat, river otter, Canada lynx, gray wolf, and brown bear from overharvest. The Service may approve the export of these CITES-listed native species from a particular State or tribe if the State or tribe provides sufficient information on harvest and management to enable us to make the required nondetriment and legal acquisition findings. When we are able to make administrative findings on a State or tribal basis, it reduces the amount of information that individual applicants must provide.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]**

The Service must make specific findings, or determinations, before issuing a permit for the export of a CITES Appendix II specimen. Information on legal harvest, including harvest control and enforcement measures, and the impact of that harvest on wild populations is essential for the Service to determine whether or not to approve a State or tribal management program for export under CITES. This collection is not a form or questionnaire.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].**

Applicants may submit material for approval of CITES export programs by mail, fax, or email.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The requested information can only be provided directly by the States and tribes and is not available elsewhere. When a State or tribal program is approved, the submitted information is kept on file and can be referred to in subsequent years (without having to be resubmitted) if the information has not changed.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This information collection will not have a significant impact on small entities. Specific information is required before the Service can authorize an otherwise prohibited activity. Generally, a permit applicant is responsible for providing the Service with the information necessary for issuing a CITES export permit. However, we can make required findings either on an individual basis or on a programmatic basis. For American ginseng, American alligator, bobcat, river otter, Canada lynx, gray wolf, and brown bear, we can make findings on a programmatic basis. The information required to make those findings is provided by State resource and agricultural agencies. Where programmatic findings have been made, the amount of information an individual applicant will need to provide is greatly reduced, thus lessening the burden on small entities.

The Service has worked closely with the States to develop ways in which programmatic findings can be made for CITES-listed native species. Twenty-five States have developed programs for American ginseng, 10 States have developed programs for American alligator, and 45 States and

7 tribes have developed programs for CITES-listed furbearers. These programs generally fall within existing State conservation, agriculture, or hunting and trapping programs. The States and tribes provide information on the status of the species within their territory. The Scientific Authority augments this information with other available information (e.g., from academic researchers, nongovernmental organizations, industry representatives, etc.) when necessary. An analysis of this information enables the Scientific Authority to make the required finding of nondetriment. States also provide information on their harvest controls and enforcement measures. This information assists the Management Authority in making the finding of legal acquisition.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The consequence of not collecting this information from States and tribes would be an increased workload for CITES permit biologists and an increased burden on individual applicants. Each applicant would be responsible for providing information on species status in the areas where the specimens were harvested, current harvest controls and enforcement measures, and evidence of legal acquisition. Without sufficient information to make the required nondetriment and legal acquisition findings, we cannot issue export permits. Many fur trappers and ginseng harvesters are from rural areas and augment their incomes by selling furs and roots that they harvest. Most American ginseng is exported from the United States since there is a large international market for the roots. Furs generally have little value unless they can be exported, since there are few places in the United States where they are tanned and fashioned into products. Likewise, most alligator skins enter into international trade since there are few tanneries in the United States that process the skins.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to**

protect the information's confidentiality to the extent permitted by law.

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with OMB guidelines.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 10, 2006, we published a notice in the Federal Register (71 FR 12393) soliciting public comment for a period of 60 days on the information collection and recordkeeping requirements described here. We received comments from one individual and a State Department of Natural Resources. The individual commenter did not address the necessity, clarity, or accuracy of the information collection, but instead provided a general statement of opposition to the information collection and the import or export of wildlife and plants. We did not make any changes to our information collection as a result of that comment. Please see the supporting statement for Reports for American Ginseng CITES Export Program for our response to the State Department of Natural Resources comments.

The Service works closely with State and tribal governments seeking to obtain CITES export approval for their management programs. We consult with States and tribes to determine what data are available on ginseng, alligator, and furbearer populations and to inform them about what is needed to make required findings for the issuance of CITES export permits. We work with the States to improve the data collection process and solicit their input on reducing the information collection burden while still obtaining the information we need to make the necessary determinations in accordance with our CITES obligations. The Service actively participates in meetings of the International Association of Fish and Wildlife Agencies (IAFWA), specifically the International Committee, to ensure that close coordination with the States and tribes continues. We have developed an American ginseng listserv to facilitate information exchange and provide a mechanism whereby the States can readily communicate with each other. The listserv membership includes Service personnel, State personnel

responsible for the American ginseng programs, and representatives of other Federal and State agencies that have responsibility with regard to this species.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within CITES to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is from scientific studies and State- and tribe-sponsored efforts and is generally available to the public. It is not subject to the requirements of the Privacy Act and the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

***Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

***If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

***Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The Service estimates that there will be approximately two respondents annually. The respondents will be State and tribal conservation and agriculture agencies. It will take a respondent approximately 12 hours to prepare the request for approval for an estimated annual burden of 24 hours. The Service estimates the hourly wage of the person completing the request to be approximately \$30 per hour.

Type of information	Annual number of respondents	Annual number of responses	Average time required per response (hours)	Total annual burden hours	Total \$ value of annual burden hours
Harvest and management data for CITES-listed native species	2	2	12	24	\$720

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no nonhour dollar cost burden to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

We estimate the annual cost to the Federal Government to be approximately \$240 or less. We

estimate approximately 8 hours to review two responses with information on harvest and management. At an average of \$30 per hour, processing will cost approximately \$240.

Number of respondents	Number of responses	Total response processing time	Total cost to Federal Government
2	2	8 hours	\$240

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is no program change or adjustment for this information collection. The adjustments reported in items 13 and 14 of the 83-I are addressed in the supporting statement for Reports for American Ginseng CITES Export Program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0130

Reports for American Ginseng CITES Export Program

FWS Form 3-200-61

50 CFR 23.51

The following information supports our request for Office of Management and Budget (OMB) approval to collect information collection pursuant to regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These regulations stipulate general and specific requirements that, when met, allow the Service to issue permits to authorize activities that are otherwise prohibited. The information that we collect will assist in the evaluation of applications for export of American ginseng. The form for collecting this information is FWS Form 3-200-61.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Attached are Article IV of the CITES Treaty and Resolution Conf. 11.11 (Rev. CoP13). The Service's authority to implement the treaty lies within Section 8A of the Endangered Species Act. American ginseng is included in Appendix II of CITES. The species is both wild-harvested and artificially propagated for its roots. American ginseng roots are largely exported from the United States. CITES sets guidelines for the documentation required to accompany specimens of Appendix II species in international trade. Before an export permit may be issued, the CITES Scientific Authority of the exporting country must determine that the export will not be detrimental, and the Management Authority must be satisfied that the specimens were legally acquired. The Scientific Authority must monitor trade to ensure that the level of trade is sustainable. Information on harvest levels and population trends is important for the Service to fulfill its obligations with regard to CITES.

States and tribes set up and maintain ginseng management and harvest programs designed to monitor and protect American ginseng from overharvest. In order for the Service to approve the export of American ginseng from a particular State or tribe, the State or tribe must provide information on the harvest to enable us to make the required nondetriment and legal acquisition findings. As a result, on FWS Form 3-200-61, we request information on the State or tribal regulations affecting ginseng harvest and sale as well as the amount of ginseng certified as having been legally acquired in a particular harvest season. American ginseng ranges across numerous States and many of the individuals and companies digging and dealing in American ginseng also operate in several States. We request information on the harvest, sale, purchase, and movement within the United States to assist us in keeping track of the legal trade in

American ginseng. Information on harvest practices/requirements and average number of roots per pound assists us in determining whether or not the harvest is sustainable.

Although CITES recognizes only two definitions of plants, wild and artificially propagated, much of the American ginseng production in the United States does not easily fit into one of those two categories. While many of the American ginseng production systems do not meet the definition of artificially propagated under CITES, they do not have the same impact on wild populations as the harvest of truly wild American ginseng root. To assist us in monitoring the status of wild American ginseng populations, we request information on these production systems from the approved States and tribes.

The wild ginseng page of the reporting form requests information on the amount of wild American ginseng harvested on a county-by-county basis as well as the status of the species determined by the species abundance and current population trends in the counties where ginseng is harvested. This information provides quantitative data on the numbers of plants being harvested, the status of the species in the wild, trends in population status, and monitoring information, to ensure the sustainability of harvest.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The Service must make a nondetriment and a legal acquisition finding before issuing a permit for the export of a CITES Appendix II specimen. We use the information provided by the States and tribes on legal harvest and the impact of that harvest on the wild population of American ginseng to make the required findings under CITES in fulfillment of our obligations as a CITES party.

To determine if the State or tribe is controlling the management and harvest of American ginseng in such a way that we can be reasonably assured that ginseng harvest in that State or on those tribal lands was legally acquired, we require information on (1) the State or tribal agency responsible for American ginseng management, (2) State or tribal regulations related to ginseng harvest and production, (4) registration of ginseng dealers, and (5) State or tribal certification of harvested ginseng. Information concerning the production of artificially propagated ginseng (including permitting and certification requirements) helps us determine if sufficient measures are in place to ensure that wild harvested ginseng will not be exported as artificially propagated ginseng. Finally, in making our required nondetriment findings, we use information on State or tribal requirements concerning minimum age of wild ginseng harvested, average number of roots per pound, trends in distribution and abundance of wild ginseng, and requirements concerning the planting of seeds at harvest sites.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any

consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].

We provide FWS Form 3-200-61 to State ginseng program coordinators, and they may return their responses via mail, fax, or email. The form is available online at <http://www.fws.gov/forms/3-200-61.pdf> in a downloadable PDF format. Once OMB approves the revised form, we will publish it online in a fillable format.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

We have been unable to identify any duplication in this information collection. Numerous States within the native U.S. range of American ginseng are undertaking research on the biology and status of this species. Where such data have been collected, we also use that information to get a better picture of the status and management of the species rangewide.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Under Service regulation and in accordance with CITES requirements, prior to issuing a permit authorizing otherwise prohibited activities, we must make several required findings. Generally, a permit applicant is responsible for providing the Service with sufficient information to make the required findings. Approached on an application-by-application basis, each individual applicant would need to provide a relatively significant amount of information. However, for American ginseng we have worked with the States within the range of the species and developed a protocol to establish Statewide monitoring and reporting programs that allow us to make findings on a programmatic basis, thus relieving the information burden on individual applicants. The information required to make those findings is collected by State natural resource and agriculture agencies. While this information collection requires information from State agencies that have established State ginseng programs, it will not have any significant impact on small entities.

Twenty-five States have developed programs that enable them to provide the information we need to make programmatic findings on the legal acquisition of American ginseng roots from a particular State and on the impact of harvest on wild populations. Based on the information provided, the Management Authority is able to make its finding of legal acquisition. The Scientific Authority uses the information provided by the States on the status of wild populations as well as information from other sources (e.g., from academic researchers, nongovernmental organizations, industry representatives, etc.) to make the required nondetriment finding. States are not required to establish a State program in order for exporters within that State to export ginseng. However, the establishment of such programs facilitates the export of ginseng by providing us with a single source of the information we need to make the required CITES findings prior to issuing an export permit. States can opt out of participating in a State ginseng program at any time. Individuals wishing to export American ginseng from a State that does not have an approved export program must follow the same procedure as individuals wishing to export other U.S. native CITES species.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without sufficient information to make the required nondetriment and legal acquisition findings, we cannot issue export permits. Most American ginseng is exported from the United States, since there is a large international market for the roots. The consequence of not collecting this information on a programmatic basis is that we would have to collect the information on a permit-by-permit basis. Each individual applicant would be responsible for providing information on species status in the areas where the ginseng was harvested and evidence of legal acquisition of the roots to be exported. This would place a much greater burden on applicants.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 10, 2006, we published a notice in the Federal Register (71 FR 12393) soliciting public comment for a period of 60 days on the information collection and recordkeeping requirements described here. We received comments from one individual and a State Department of Natural Resources.

The individual commenter did not address the necessity, clarity, or accuracy of the information collection, but instead provided a general statement of opposition to the information collection and the import or export of wildlife and plants. We did not make any changes to our information collection as a result of that comment.

A number of the comments submitted by the State Department of Natural Resources address the necessity, clarity, or accuracy of the information collection and are addressed below. We have revised FWS Form 3-200-61 and this supporting statement based on these comments.

The commenter stated that ginseng is not rare and therefore should be removed from Appendix II. While there is a process for proposing delisting, the issue of whether or not ginseng should be listed in the CITES Appendices is outside the scope of this information collection and so we will not address it here.

The commenter asserted that the vast majority of ginseng harvesters dig in the State where they live or vacation, but then noted that several dealers buy certified ginseng from dealers from other States. We continue to believe that many individuals involved in harvesting and selling American ginseng operate in multiple States.

The commenter went on to note that she keeps records of every shipment of American ginseng bought and sold by dealers in her State from other States, but had never been asked to provide this information to the Fish and Wildlife Service. FWS Form 3-200-61 asks how States and tribes with approved American ginseng export programs handle ginseng entering from another State or tribe and if individuals and companies dealing in ginseng have to be licensed or registered.

The commenter questioned the utility of collecting harvest data from the States as an indicator of the status of the species in the wild, and further recommended that such information not be

collected by county, since she asserted that “no one in FWS has ever used the county level data” and such information may be incorrectly reported by ginseng diggers and dealers.

- We agree that harvest levels of ginseng are not completely correlated to abundance of the species in the wild but are affected by several other factors. However, over time a consistent change in harvest levels, especially a decline, serves as an indicator of a change in the species’ abundance. Such changes signal to us the need to engage in more intensive consultations with the States and relevant experts to determine what is actually happening relative to the status of ginseng.
- In discussions with State ginseng coordinators and stakeholders (especially diggers, growers, and dealers), it is universally acknowledged that more effort is needed to assess the actual status of ginseng in the wild. However, because American ginseng has an extensive range, a meaningful status assessment would require significant funding and other resources. Although more information has been forthcoming on the status of ginseng, impacts of harvest, best harvest practices, and other aspects of ginseng biology, harvest, and trade, we still find that much of our evaluation of the sustainability of ginseng harvest is derived indirectly rather than through direct study of wild populations of the species. Therefore, until a more complete assessment and monitoring program can be developed, we still need to collect information on harvest levels of ginseng for making our nondetriment findings. The collection of such information is also useful in determining if there are significant discrepancies in what States are certifying as legally acquired and actual exports. Significant differences between amounts of ginseng certified and actual exports would serve to indicate fraud or other illegal activities, potentially in violation of both Federal and State laws, in addition to noncompliance with CITES.
- The commenter is mistaken in her belief that the county-level harvest data are not used. In fact, we stated in our 2003–2004 nondetriment finding for ginseng that there was a strong correlation between harvest in certain counties and their proximity to or inclusion of U.S. Forest Service (USFS) lands. We used this information to note discrepancies between levels of harvest authorized by USFS and actual reported amounts, which we believe was a potential indicator of illegal harvest on Federal lands. This information was provided to USFS to consider in their management of ginseng on their lands. More recently, in work done by the U.S. Geological Survey-Biological Resource Discipline (BRD) to assist us in evaluating the status of ginseng and the impacts of harvest, county harvest data were used to study ginseng abundance and its relationship to harvest levels as well as the number of ginseng dealers in a given area, particularly in and around Federal lands.

The commenter contended that the only person who can determine if root was legally acquired is the person who dug the root, and it is impossible for dealers or State certifiers to verify legal acquisition. The certification that wild American ginseng was legally acquired is based on the presentation of a digger or dealer license, if required, and State or U.S. Forest Service harvest permits or landowner permission slips for all wild ginseng presented for certification. If a dealer or State certifier has reason to believe that the ginseng presented for certification was not legally acquired or that the digger or dealer violated the requirements for a license, that individual should not certify the ginseng roots in question. While we use the information from FWS Form 3-200-61 in making nondetriment and legal acquisition findings, this is not the only information

we use. In making the nondetriment findings, we also use information from peer reviewed literature as well as information from federally funded and academic research projects. For the legal acquisition findings, we rely on the fact that States have legislation in place for managing ginseng populations as well as the capacity to enforce that legislation.

With regard to duplication in the information collection, the commenter noted that the States are asked to resubmit information that has not changed from year to year, and she recommended that the Fish and Wildlife Service require the States only to submit information on those items for which the information has changed from previous years. We agree with this suggestion and have included a clarification statement on FWS Form 3-200-61 noting that information that has not changed from previous years does not need to be provided again.

The commenter also stated that the Fish and Wildlife Service requirement that States track unsold or un-exported ginseng was burdensome and did not appear useful. FWS Form 3-200-61 does not require that States keep this information, but rather asks if States track this information as part of their program.

The commenter expressed concern that the information collection would have a significant impact on small businesses or other small entities. The commenter stated that the only way a State agency could obtain the information requested would be to obtain that information from ginseng dealers, which are small businesses. It was the commenter's opinion that the requested information would require a minimum of 725 hours annually for the approximately 15 dealers within the commenter's State.

- Our programmatic findings reduce the information collection burden on individual businesses and greatly facilitate processing of permits. Through close cooperation with States within the range of American ginseng, we have developed the protocol for making programmatic findings and have established programs with 25 States. This process removes the burden on the individual exporter to provide all of the required information, thus significantly reducing the information collection burden on individual businesses.
- We disagree with the statement that this information collection would amount to a time burden in excess of 725 hours for approximately 1,800 ginseng purchases by the 15 or so dealers in the commenter's State. Of the 725 hours identified, we believe that only 305 of those hours actually relate to issues of this information collection. The other 420 hours would constitute, in our opinion, standard business practices and recordkeeping, such as for tax purposes, that the dealers would need to conduct regardless of whether or not the Fish and Wildlife Service carried out this information collection. With an estimated 15 dealers, the annual time burden would amount to about 20 hours each, or 10 minutes per purchase.

The commenter believed that we had underestimated the hour burden of the collection of information, and she provided a revised hour burden estimate based on her experience as a State American ginseng program coordinator. We do not fully agree with all of the elements included in the commenter's hour burden estimate, but we do agree that we underestimated the hour burden. We also believe that the hour burden on respondents is likely to vary from program to program and so we have revised item 12 to show an estimated range for the annual hour burden. We believe that our estimate of the average hourly wage of a person completing the form,

approximately \$20 per hour, is reasonable and we have revised the average total dollar value of annual burden hours as described above. The commenter included an estimated hour burden for costs to her agency resulting from program requirements imposed by the State. We do not believe that it is appropriate to include that estimate since it is not a requirement placed on the State by the Fish and Wildlife Service.

The commenter believed that our estimate of the total annual [non-hour] cost burden to respondents was incorrect. Although we do not agree that law enforcement activities associated with managing American ginseng are part of the annual [non-hour] cost burden, we have revised Item13 to include what we believe is a reasonable estimate of the total annual nonhour cost burden to respondents.

The commenter also included some general comments related to this information collection.

- *The commenter remarked on the use of the phrase “States and tribes,” noting that in her State ginseng harvested on tribal lands is incorporated into the State report.* Although there are currently no tribes with approved American ginseng export programs, we have included the reference to tribes in this information collection in the event that a tribe seeks and obtains approval of a program separately from the State in which it is located, particularly as some States no longer manage or regulate resources on tribal lands. We have approved tribal programs for export of other CITES Appendix-II species (e.g. bobcat [Lynx rufus]).
- *The commenter noted the difficulty in compiling the information and completing this information collection by May 1 of each year.* On April 19, 2006, we published a proposed rule in the *Federal Register* (71 FR 20168) to revise the regulations that implement CITES. That proposed rule contains information collections related to those described here. In the proposed rule, we change the annual report due date from May 31 to May 1. The harvest seasons for all of the States with currently approved American ginseng export programs end by December 31 at the latest. We believe that the States should reasonably be able to complete this information collection over a 4-month time period. This proposed change will ensure that we receive information in time for us to make required CITES findings before the beginning of the next harvest season.

We work closely with the States to improve the quality of the information available on the status of wild American ginseng and both the legal and illegal harvest of this species. We also work with the States to improve the data collection process and actively solicit their input on reducing the information collection burden while still obtaining the information we require to make the necessary determinations in accordance with our CITES obligations. The Service developed an American ginseng listserv to facilitate information exchange and provide a mechanism whereby the States can readily communicate with each other. The listserv membership includes Service personnel, State personnel responsible for the American ginseng programs, and representatives of other Federal and State agencies that have responsibility with regard to this species.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within CITES to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is from scientific studies and State-sponsored efforts and is generally available to the public. It is not subject to the Privacy Act and the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

We estimate that there will be approximately 25 respondents. The respondents will be State conservation and agriculture agencies. The frequency of response is annually. We believe that the average time it will take a respondent to complete the form will vary based on the number of ginseng harvesters or producers participating in the State program. For a State with a very small program, we estimate that it will take an average of 2 hours for the respondent to complete the form. For the States with the largest programs, we estimate that it will take an average of 85 hours for the respondents to compile the necessary information and complete the form. The average annual burden estimate for this survey is 1,087.5 hours. The Service estimates the average hourly wage of the person completing the form to be approximately \$20 per hour. The dollar value of the annual burden hours is \$21,750.

Type of information	Annual number of respondents	Annual number of responses	Average time required per response (hours)	Average total annual burden hours	Total \$ value of annual burden hours
Ginseng harvest information	25	25	43.5	1,087.5	\$21,750

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

As noted above, States and tribes set up and maintain ginseng management and harvest programs designed to monitor and protect American ginseng from overharvest. In order for the Service to approve the export of American ginseng from a particular State or tribe, the State or tribe must provide annual information on the harvest to enable us to make the CITES required nondetriment and legal acquisition findings. FWS Form 3-200-61 requests information on the harvest, sale, purchase and movement of ginseng within the United States that we use in making our findings. In the course of compiling information and completing FWS Form 3-200-61, State and tribal staff incur travel and printing costs. We estimate that the average total annual nonhour cost

burden to respondents is approximately \$3,000.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Service anticipates the annual cost to the Federal Government to be approximately \$1,500 or less. The time to review 25 responses with information on ginseng harvest is 50 hours. At an average of \$30 per hour, processing will cost approximately \$1,500.

Number of respondents	Number of responses	Total response processing time	Total cost to Federal Government
25	25	50 hours	\$1,500

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

Item 13 reflects an increase of 1,038 burden hours and Item 14 reflects an increase of \$3,000 in nonhour burden costs. These increases are adjustments to our previous estimates based on the comments received from the State Department of Natural Resources.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.

Supporting Statement for Paperwork Reduction Act Submission OMB Control Number 1018-0130

Reports for the Furbearer CITES Export Program

50 CFR §§ 23.52, 23.53, 23.54, 23.55, and 23.56

The following information supports our request for Office of Management and Budget (OMB) approval to collect information pursuant to regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These regulations stipulate general and specific requirements that when met allow the Service to issue permits to authorize activities that are otherwise prohibited. The information that we collect will assist in the evaluation of applications for export of CITES furbearers.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

CITES regulates international trade in listed species through a system of permits and certificates. Attached is Article IV of the CITES Treaty. The Service's authority to implement the treaty lies within Section 8A of the Endangered Species Act. The bobcat, river otter, Canada lynx, gray wolf, and brown bear (U.S. native furbearers) are listed in Appendix II of CITES due to their similarity in appearance to other Appendix II species (Article II 2. (b) of the Treaty). These species are harvested for their pelts, which are often exported from the United States. International trade in Appendix II species requires documents issued under guidelines set by CITES. Before a country can issue an export permit, the country's Scientific Authority must determine that the export will not be detrimental, and the Management Authority must be satisfied that the specimens were legally acquired. The Scientific Authority must monitor exports to ensure that the level of trade is sustainable. Information provided by State and tribal governments on harvest levels and population trends allows the Service to accomplish this monitoring and fulfill our obligations under CITES.

States and tribes set up and maintain management and harvest programs for bobcat, river otter, Canada lynx, gray wolf, and brown bear. For States and tribes that provide us with the necessary information, we can make administrative findings on a State or tribal basis to approve CITES export authority. To approve a State or tribal program, we must find that the export of furbearers from that State or tribe will not be detrimental to the survival of the species in the wild and that harvest control and enforcement measures are sufficient to ensure that specimens to be exported were legally acquired. To maintain CITES export authority, States and tribes for which administrative findings have been made must submit a report to the U.S. Management Authority by October 31 of each year to provide information on the previous year's harvest. These annual reports allow us to make our required findings. States and tribes can refer to information provided in previous years if there has been no change.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]**

We need the requested information to make administrative findings for approved CITES State and tribal furbearer export programs. We use this information to determine if original findings are still valid; i.e., that the export of specimens for which the State or tribe is approved will not be detrimental and that harvest control and enforcement measures are sufficient to ensure that specimens to be exported are legally acquired. This information also allows us to assess whether or not the level of trade is sustainable, thus meeting our monitoring responsibilities under CITES.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].**

We usually mail requests for reports to the States and tribes. Responses may be made via mail, fax, or email.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

No duplication occurs. Only the States and tribes can provide the required information and it is not available elsewhere.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

We do not expect that this information collection will have a significant impact on small entities. Generally, an individual permit applicant is responsible for providing the Service with sufficient information to make the required findings. We can issue required findings either on an individual basis (application-by-application) or on a programmatic basis. State and tribal wildlife agencies provide the information that we need to make programmatic findings. When we make findings on a programmatic basis, the amount of information that individual applicants must provide is reduced considerably.

We have worked closely with States and tribes to develop ways to make programmatic findings for CITES furbearers. A total of 45 States and 7 tribes have developed programs, within the confines of their existing hunting and trapping programs, that enable them to provide the information we need to make nondetriment and legal acquisition findings on a programmatic basis. States and tribes provide the Scientific Authority with information on harvest levels and the status of the species in their areas. The Scientific Authority augments this information with any other information available (i.e., from academic researchers, nongovernmental

organizations, industry representatives, etc.) when necessary. An analysis of this information enables the Scientific Authority to make the required finding of nondetriment. States and tribes also provide information on their requirements for ensuring that legally acquired skins are tagged with Service-provided CITES export tags. The tags provide evidence that the skins were taken from an approved CITES export program and facilitate the required legal acquisition finding.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Most fur trappers are from rural areas and augment their incomes by selling furs that they harvest. Furs generally have little value unless they can be exported, since there are few, if any, places in the United States where furs can be tanned and fashioned into products. Without sufficient information to make the required nondetriment and legal acquisition findings, we cannot issue export permits. The consequence of not collecting this information for programmatic findings is that we would have to collect information on a permit-by-permit basis. Each individual applicant would be responsible for providing information on species status in the areas where the furs were harvested and evidence of legal acquisition for each fur. This would place a much greater burden on each applicant.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting

comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 10, 2006, we published a notice in the Federal Register (71 FR 12393) soliciting public comment for a period of 60 days on the information collection and recordkeeping requirements described here. We received comments from one individual and a State Department of Natural Resources. The individual commenter did not address the necessity, clarity, or accuracy of the information collection, but instead provided a general statement of opposition to the information collection and the import or export of wildlife and plants. We did not make any changes to our information collection as a result of that comment. Please see the supporting statement for Reports for American Ginseng CITES Export Program for our response to the State Department of Natural Resources comments.

We work closely with States and tribes to determine what data are available and to inform them about what is needed to make required findings for the issuance of CITES export permits. The Service actively participates in meetings of the International Association of Fish and Wildlife Agencies (IAFWA), specifically the International Committee, to ensure that close coordination with the States continues. In addition to working with the State fish and wildlife agencies, we contacted the following persons:

Rick Ward
Wildlife Biologist
The Klamath Tribes
PO Box 436
Chiloquin, OR 97603
(541) 783-2149

Mr. Nathan Svoboda
Wildlife Biologist
Little River Band of Ottawa Indians
375 River Street
Manistee, Michigan 49660
(866) 723-1594

Jeff Cole
Wildlife Biologist
Navajo Fish and Wildlife Department
1 Morgan Blvd.
Window Rock, AZ 86515
(928) 871-7068

John Banks
Director of Natural Resources
Penobscot Nation
6 River Road, Indian Island
Old Town, ME 04468
(207)827-7776 ext.7330

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within CITES to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is from scientific studies and State- or tribe-sponsored public programs and is generally available to the public. It is not subject to the requirements of the Privacy Act or the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

We estimate that there will be 52 respondents annually. It will take an average of 1 hour for a respondent to complete a report. The annual burden estimate for this survey is 52 hours. At an estimated cost of \$30 per hour, the total annual burden would be \$1,560. The respondents will be State and tribal conservation agencies.

Type of information	Annual number of respondents	Annual number of responses	Average time per response (minutes)	Total annual burden hours	Annual dollar value of burden
Furbearer harvest	52	52	60	52	\$1,560

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no nonhour dollar cost burden to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

We anticipate the annual cost to the Federal government to be approximately \$1,560. We estimate the time to review 52 responses with information on furbearer harvest to be 52 hours. At an average of \$30 per hour, processing will cost approximately \$1,560.

Number of respondents	Application processing	Total cost to Federal Government
52	52 hours	\$1,560

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is no program change or adjustment for this information collection. The adjustments reported in items 13 and 14 of the 83I are addressed in the supporting statement for Reports for American Ginseng CITES Export Program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.

SAMPLE LETTER REQUESTING FURBEARER REPORT

IN REPLY REFER TO:
FWS/DMA/CEP 1-07

OMB No. 1018-
Expires

Dear:

This letter is our annual request for information on your state's implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) furbearer export program. Since September 2003, the U.S. Fish and Wildlife Service (Service) has been working with the states and the International Association of Fish and Wildlife Agencies (IAFWA) in a work group to evaluate and identify potential improvements to the CITES U.S. furbearer export program.

I have previously reported changes that we have made to reduce the paperwork and other administrative burdens of the tagging program on the States and tribes, while also meeting the Service's responsibility to implement the CITES treaty. Since then, we have made additional significant changes to the program via a nationwide non-detriment finding for bobcat (*Lynx rufus*). Also, we have begun to prepare the groundwork for the Service to seek regulatory flexibility to fulfill our CITES obligations without necessarily having to rely on state tagging systems to export certain CITES-listed U.S. furbearers. The final report and action plan presented at the upcoming IAFWA Annual Meeting will provide details on this matter.

The Service has a legal obligation to ensure that export levels of species listed in Appendix II of CITES will not be detrimental to the survival of the species. For bobcat and river otter (*Lontra canadensis*), we made these findings for certain state and Indian tribal export programs in a series of rulemakings between 1984 and 1999, and for subsequent years, in administrative findings. In July 2005, the Division of Scientific Authority (DSA) advised the Division of Management Authority (DMA) that the export of bobcat taken in the contiguous 48 states of the United States will not be detrimental to the survival of the species. As a result of this finding, unapproved States or tribes requesting export authority for bobcat will not be required to provide population assessments of bobcat within their jurisdictions. However, legal acquisition requirements will still have to be met in order for a State or tribe to be approved for CITES bobcat export authority. DSA will continue to monitor the status of bobcats in the wild on a range-wide basis, with the understanding that the non-detriment finding may be modified if deemed necessary based on any new information that we may receive. Information requested in this letter will support this monitoring.

In order to fulfill our treaty obligations necessary to allow the continued export of bobcat and river otter, we are requesting information for the 2005-2006 seasons and ask that you submit this information to us by **October 31, 2006**. In your review of the 2005-2006 season, and based on your most current information on bobcat and river otter that are approved for export from your State, we would appreciate it if you would provide the following information:

1. For each CITES-listed furbearer species harvested during the last season:
 - Number of animals tagged.
 - If known, total number of animals taken.
2. A statement giving your professional assessment of the status of each of these species in your state:

Is the population stable, increasing or decreasing (and at what rate if known)?

3. Have there been any changes to legislation or regulation enabling your tagging program?

Although not required, we appreciate any copies of reports on any CITES-listed furbearer species that you have prepared this year as part of your management program, or web addresses where this information is posted electronically (please note that we are not asking for any new reports or information, but rather reports that you may already have available).

Please send replies to Clifton Horton, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203 (fax 703-358-2298) or by E-mail to clifton_horton@fws.gov. Please note that this is a combined request for information from both the Division of Scientific Authority and the Division of Management Authority.

Thank you for your continuing cooperation. If you have any questions, please contact Clifton Horton or my staff at 703-358-1908.

Sincerely,

Peter O. Thomas, Ph.D.
Chief, Division of Management Authority

Notice

Information requested herein is purely voluntary. However, submission of requested information is required in order to maintain program approval. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless a currently valid Office of Management and Budget (OMB) control number is displayed. The OMB Control Number for this information collection is 1018-XXXX, which expires _____.

The reporting burden on the applicant for this information collection is 60 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the report. You may direct comments regarding the burden estimate or any other aspect of the information collection to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0130

Reports for the American Alligator CITES Export Program

50 CFR 23.57

The following information supports our request for Office of Management and Budget (OMB) approval to collect information pursuant to regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These regulations stipulate general and specific requirements that when met allow the Service to issue permits to authorize activities that are otherwise prohibited. The information that we collect will assist in the evaluation of applications for export of American alligators.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

CITES regulates international trade in listed species through a system of permits and certificates. The American alligator is listed in Appendix II of CITES. Attached is the CITES Treaty (see Article IV) and Resolution Conf. 11.12 (Universal Tagging System for the Identification of Crocodilian Skins). The Service's authority to implement the treaty lies within Section 8A of the Endangered Species Act. Alligators are harvested for their skins, which are frequently exported from the United States. International trade in Appendix II species requires documents issued under guidelines set by CITES. Before a country can issue an export permit, the country's Scientific Authority must determine that the export will not be detrimental, and the Management Authority must be satisfied that the specimens were legally acquired. The Scientific Authority must monitor exports to ensure that the level of trade is sustainable. Information provided by State and tribal governments on harvest levels and population trends allows the Service to accomplish this monitoring and fulfill our obligations under CITES.

States and tribes set up and maintain alligator management and harvest programs. For States and tribes that provide us with the necessary information, we can make administrative findings on a State or tribal basis to approve CITES export authority. To approve a State or tribal program, we must find that the export of alligators (skins and parts, products, and derivatives) from that State or tribe will not be detrimental to the survival of the species in the wild and that harvest control and enforcement measures are sufficient to ensure that specimens to be exported were legally acquired. To maintain CITES export authority, States and tribes for which administrative findings have been made must submit a report to the U.S. Management Authority by July 1 of each year to provide information on the previous year's harvest. These annual reports allow us to make our required findings. They can refer to information provided in previous years if there has been no change.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for**

a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

We request the information needed to make administrative findings for approved State and tribal CITES alligator export programs. We use the information to determine if the original findings are still valid; i.e., that the export will not be detrimental and that harvest control and enforcement measures are sufficient to ensure that specimens to be exported were legally acquired. This information also allows us to assess whether or not the level of trade is sustainable, thus meeting our monitoring responsibilities under CITES.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

We usually mail requests for annual reports to the States and tribes. Responses may be made via mail, fax, or email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No duplication occurs. Only States and tribes can provide the information requested and it is not available elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

We do not expect a significant impact on small entities as a result of this information collection. Generally, an individual permit applicant is responsible for providing the Service with sufficient information to make the required findings. However, we can issue required findings either on an individual basis (application-by-application) or on a programmatic basis. State and tribal wildlife agencies provide the information needed to make those findings. When we make findings on a programmatic basis, the amount of information that individual applicants for permits must provide is reduced considerably.

The Service has worked closely with States to develop ways in which programmatic findings can be made for the American alligator. Ten States have developed programs, within the confines of their existing hunting and trapping programs, that enable them to provide the information the Service needs to make programmatic findings that the harvest is not detrimental. The States provide the Scientific Authority with information on harvest levels and the status of the species in their areas. The Scientific Authority augments this information with any other information available (i.e., from academic researchers, nongovernmental organizations, industry representatives, etc.) when necessary. An analysis of this information enables the Scientific Authority to make the required finding of nondetriment. States also provide information on their

requirements for ensuring that legally acquired skins are tagged with Service-provided CITES export tags. The tags provide evidence that the skins were taken from an approved CITES export program and facilitate the required legal acquisition finding. The tags meet the requirements of CITES Resolution Conf. 11.12 for tagging of crocodilian skins in international trade.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Most alligator skins enter into international trade, since there are few tanneries in the United States that process the skins. Without sufficient information to make the required nondetriment and legal acquisition findings, we cannot issue export permits. The consequence of not collecting this information for programmatic findings is that we would have to collect the information on a permit-by-permit basis. Each individual applicant would be responsible for providing information on species status in the areas where the alligators were harvested and evidence of legal acquisition for each skin. This would place a much greater burden on each applicant.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions

taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 10, 2006, we published a notice in the Federal Register (71 FR 12393) soliciting public comment for a period of 60 days on the information collection and recordkeeping requirements described here. We received comments from one individual and a State Department of Natural Resources. The individual commenter did not address the necessity, clarity, or accuracy of the information collection, but instead provided a general statement of opposition to the information collection and the import or export of wildlife and plants. We did not make any changes to our information collection as a result of that comment. Please see the supporting statement for Reports for American Ginseng CITES Export Program for our response to the State Department of Natural Resources comments.

We work closely with States and tribes to determine what data are available and to inform them about what is needed to make required findings for the issuance of CITES export permits. We actively participate in meetings of the International Association of Fish and Wildlife Agencies (IAFWA), specifically the International Committee, to ensure that close coordination with the States and tribes continues.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within CITES to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is from scientific studies and State- or tribe-sponsored public programs and is generally available to the public. It is not subject to the requirements of the Privacy Act and the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

We estimate that there will be approximately 10 respondents. The frequency of response is annually. It will take an average of 60 minutes (1 hour) for a respondent to complete a report. The annual burden estimate for this survey is 10 hours. At an estimated rate of \$30 per hour, the annual burden will be \$300. The respondents will be State and tribal conservation agencies.

Type of information	Annual number of respondents	Annual number of responses	Average time per response (minutes)	Total annual burden hours	Annual dollar value of burden
Alligator harvest	10	10	60	10	\$300

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and**

disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no nonhour dollar cost burden to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

We estimate the annual cost to the Federal Government to be approximately \$300 or less. We estimate that it will take approximately 1 hour to review each of the 10 responses. At an average of \$30 per hour, processing will cost approximately \$300.

Number of respondents	Application processing	Total cost to Federal Government
10	10 hours	\$300

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is no program change or adjustment for this information collection. The adjustments reported in items 13 and 14 of the 83I are addressed in the supporting statement for Reports for American Ginseng CITES Export Program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.

SAMPLE LETTER REQUESTING REPORT ON AMERICAN ALLIGATOR

OMB No. 1018-
Expires

IN REPLY REFER TO:
FWS/DMA/CEP 1-07

Dear

The U.S. Fish and Wildlife Service (Service) has a legal obligation to ensure that export levels of species listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will not be detrimental to the survival of the species. This letter is our annual request for information on your State's implementation of your CITES American alligator (*Alligator mississippiensis*) export program. We are requesting information for the 2005-2006 season and ask that you submit this information to us by **July 1, 2006**. This information will help us determine the current status of American alligator for the 2006-2007 season.

In your review of the 2005-2006 season and based on your most current information on American alligator in your State, we would appreciate it if you could include the following information:

1. The total number of skins from wild or farmed alligators that were tagged by your State.
2. An assessment of the status of your alligator population, indicating if the population is stable, increasing, or decreasing, and at what rate (if known). If population levels are decreasing, activity reports should include your professional assessment of the reason for the decline and any steps being taken to address it.
3. For wild alligators, information on harvest, including harvest of nuisance alligators, methods used to determine harvest levels, demographics of the harvest, and methods used to determine the total number and population trends of alligators in the wild.
4. For farmed alligators, information on whether collecting and rearing of eggs or hatchlings is allowed, what factors are used to set harvest levels, and whether any alligators are returned to the wild.
5. Information on, and a copy of, any changes in laws or regulations affecting the American alligator in your state.

6. If available, copies of relevant reports that your state has prepared during the reporting period as part of its existing management program for the American alligator or a web address where this information is posted electronically on your website (please note that we are not asking for any new reports or information here, but rather would appreciate copies of any reports that you already have available).

It is particularly important that we receive a response so that the Division of Management Authority will be able to issue export permits for animals harvested in your State during the 2006-2007 season.

Please send replies to Clifton Horton, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203 (fax 703-358-2298) or by E-mail to clifton_horton@fws.gov. Please note that this request is now a combined request for information from both the Division of Scientific Authority and the Division of Management Authority.

Thank you for your continuing cooperation. If you have any questions, please contact Clifton Horton or my staff at 703-358-1908.

Sincerely,

Peter O. Thomas, Ph.D.
Chief, Division of Management Authority

cc: International Association of Fish and Wildlife Agencies
Division of Scientific Authority

Notice

Information requested herein is purely voluntary. However, submission of requested information is required in order to maintain program approval. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless a currently valid Office of Management and Budget (OMB) control number is displayed. The OMB Control Number for this information collection is 1018-XXXX, which expires _____.

The reporting burden on the applicant for this information collection is 60 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the report. You may direct comments regarding the burden estimate or any other aspect of the information collection to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0130

Applications for Participation in the Plant Rescue Center Program and Followup Reporting Requirements for Approved Institutions

50 CFR 12

The following information supports our request for Office of Management and Budget (OMB) approval to collect information pursuant to regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The information collection request is contained in a letter outlining the requirements for becoming a member of the Plant Rescue Center Program. If an interested institution determines that it meets the qualifications laid out in the letter, it sends the Service an official letter requesting inclusion in the program and providing details on its collections and the types of plants it would be willing to accept through the Plant Rescue Center Program. Once an institution becomes a member of the Plant Rescue Center Program, it must inform the Service of the date of receipt and the condition of the plants contained in any shipment assigned to it through the program.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

CITES regulates trade in numerous plant species, both wild-collected and artificially propagated, through a system of permits and certificates. Specimens that are imported or exported in violation of CITES are subject to seizure. CITES recommends that seized live plant material either be returned to the country of export or reexport (at that country's expense) or placed in a qualified rescue center in the country in which the seizure occurred. In the United States, we have developed a network of botanical gardens, arboreta, zoological parks, and research institutions that have agreed to care for the seized plant material. If the country of export or reexport does not request the return of the seized material, we will donate it with conditions to a participating plant rescue center. We outline the legal requirements for becoming a rescue center in the information collection letter. Article VIII of the CITES Treaty, Resolutions Conf. 9.9, Conf. 9.10 (Rev. CoP13) and Conf. 10.7, and the regulations concerning seizure procedures (50 CFR 12) are attached.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]**

The Service will use the information to determine if an interested institution is qualified to become a participant in the Plant Rescue Center Program. We use the followup information to confirm (1) the institution's receipt of a placed shipment and (2) the condition of the placements upon receipt.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].**

The Service will mail or fax the letter outlining the requirements for becoming a rescue center to the interested institution, and the institution may respond via mail or fax. We provide a fact sheet about the Plant Rescue Center Program on our website (<http://www.fws.gov/international/pdf/prc.pdf>) and direct interested institutions to that fact sheet. This assists in ensuring that institutions applying to be part of the program have determined that they meet the approval criteria prior to applying. Institutions may mail, fax, or email to the Service the followup information on the location and condition of plants placed through the program.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information requested for the Plant Rescue Center Program is not provided elsewhere.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This information collection will not have a significant impact on small entities. Institutions eligible to participate in the Plant Rescue Center Program must be governmentally or privately funded nonprofit botanical gardens, arboreta, zoological parks, or research institutions.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If we did not collect this information, the Service would be unable to care adequately for plants that are seized, and institutions would not have the opportunity to obtain often rare and unusual plants that had been seized, for exhibition and propagation. In the absence of such a program, we would have to destroy plant material that could not be returned to the country of export or reexport.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- * requiring respondents to report information to the agency more often than quarterly;**
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - * requiring respondents to submit more than an original and two copies of any document;**
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
 - * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
 - * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with OMB guidelines.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 10, 2006, we published a notice in the Federal Register (71 FR 12393) soliciting public comment for a period of 60 days on the information collection and recordkeeping requirements described here. We received comments from one individual and a State Department of Natural Resources. The individual commenter did not address the necessity, clarity, or accuracy of the information collection, but instead provided a general statement of opposition to the information collection and the import or export of wildlife and plants. We did not make any changes to our information collection as a result of that comment. Please see the supporting statement for Reports for American Ginseng CITES Export Program for our response to the State Department of Natural Resources comments.

We work closely with institutions interested in caring for seized live plant material. Those institutions appreciate the opportunity to receive interesting/unusual plant material.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within CITES to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information on institutions participating in the Plant Rescue Center Program and seized plants is part of the public record. Once any legal actions on plants seizures have been completed, the information on the plants and their location is publicly available. No assurances of confidentiality can be provided to respondents concerning the record of plants that are forwarded to the participating institutions.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected in this information collection is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

We estimate that approximately three applicants per year will apply to participate in the Plant Rescue Center Program. The frequency of response is on occasion. It will take an average of 1 hour for a respondent to complete a response detailing its qualifications and providing the additional required information for becoming a member of the Plant Rescue Center Program. The annual burden estimate for this survey is 3 hours. We estimate the hourly wage of the person responding to the letter to become a participating institution in the Plant Rescue Center Program to be approximately \$30 per hour. Therefore, the total dollar value of the burden hours for becoming a member of the Plant Rescue Center Program would be \$90.

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), confiscates approximately 350 live plant shipments a year imported into the United States in violation of CITES. These shipments are subsequently referred to the Service for placement in the Plant Rescue Center Program. In general, the Service places more than one shipment at a time with a participating institution. Subsequently, we estimate that the approximately 350 shipments confiscated per year are distributed to the participating institutions through 140 actual placements. We estimate that it would take a participating institution no more than 30 minutes to prepare a response concerning the date of receipt and the condition of the plants in one or more shipments assigned to it at a single time. This response burden will be divided among the 69 institutions currently participating in the Plant Rescue Center Program. The Service makes an average of two placements per institution per year. We estimate the hourly wage of the person providing the followup information after the Service has placed a plant with that institution to be approximately \$20 per hour. Since we make approximately two placements of plant shipments per institution per year, the total dollar value of the burden hours would be \$1,400.

Type of information	Annual number of respondents	Annual number of responses	Average time per response (minutes)	Total annual burden hours	Total annual burden per respondent (minutes)	Total \$ value of annual burden hours
Plant Rescue Center Program	3	3	60	3	60	\$90
Followup reporting	69	140	30	70	60	\$1,400

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There is no nonhour dollar cost burden to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Service anticipates the annualized cost to the Federal Government to be approximately \$2,200. The Service receives approximately three requests per year to participate in the Plant Rescue Center program, and it takes the Service approximately 1 hour to review each request. At an average of \$30 per hour, processing will cost approximately \$90. For the followup reporting requirement, we estimate receiving approximately 140 responses per year, and they take approximately 30 minutes each to process. Again, at an average of \$30 per hour, the approximate cost to the Federal Government to review the followup reports is \$2,100.

Type of information	Number of respondents	Number of responses	Response processing	Total cost to Federal Government
Plant Rescue Center letter	3	3	3 hours	\$90
Followup reporting	69	140	70 hours	\$2,100
TOTAL				\$2,190

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is no program change or adjustment for this information collection. The adjustments reported in items 13 and 14 of the 83-I are addressed in the supporting statement for Reports for American Ginseng CITES Export Program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.



The U.S. Plant Rescue Center Program

How did the program develop?

The U.S. Fish and Wildlife Service established the Plant Rescue Center (PRC) Program in 1978 to care for plants confiscated by the U.S. Government due to noncompliance with the import/export requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Service's Division of Management Authority (DMA) enlisted botanical gardens, arboretums, zoological parks, and research institutions in the United States to volunteer as PRCs. Currently, more than 65 institutions in over 18 States, the District of Columbia, and Puerto Rico cooperate as PRCs.

What are the criteria for becoming a PRC?

An institution interested in becoming part of the PRC Program should apply to DMA for approval. There are five basic requirements:

1. The PRC must be a public botanical garden, arboretum, zoological park, or research institution. It must be a government or a privately funded nonprofit entity.
2. At their own expense, cooperators must be able to transfer confiscated plants from the U.S. Department of Agriculture (USDA) port office to the PRC.
3. The USDA maintains each confiscated plant shipment as a unit. The PRC must accept and maintain the unit for 30 days in the event that the country of export/re-export requests its return.
4. The PRC may incorporate the confiscated plants into its own collection if the country of export/re-export does not request their return within 30 days.
5. After the PRC incorporates the confiscated plants into its collection, it may display, propagate, or otherwise use them for purposes consistent with CITES. They remain U.S. property and the PRC may not trade, sell, or otherwise dispose of them. However, propagules of these plants, which become the property of the PRC, may be traded, sold, or disposed of through other means.

Upon confirmation that the requirements have been met, DMA provides the institution formal notification of acceptance and informs it of the following:

1. Prior to assigning a confiscated plant shipment, DMA will contact the PRC to identify available plants and ascertain the PRC's interest in receiving them. No plants will be sent to a PRC without its approval.
2. Plant shipments usually will be sent by USDA plant inspection officials. There will usually be no need for the PRC to make any arrangements other than to accept and maintain a shipment when it arrives. Occasionally, the PRC may be asked to transfer the shipment, at its own expense, from the plant inspection station to the PRC.
3. Unless otherwise agreed to in advance, plant shipments will be sent under U.S. Government franked mailing labels.
4. The USDA will provide any quarantine or phytosanitary treatment necessary before plants are sent to the PRC.
5. The PRC must notify DMA by letter when the plants arrive and maintain the plant shipment as a unit for 30 days.
6. After 30 days, the PRC may display, propagate, or use the plants for other purposes consistent with CITES.

7. Should the country of export/re-export ask for the return of the plants, that country is responsible for the air freight of the shipment. The PRC would then be asked to deliver the package to the nearest airline, as advised by DMA.

What factors determine which PRCs receive which plants?

Several factors determine where confiscated plants are sent. The port at which the plants were seized, distance to an appropriate PRC, weather/season/climate, and expertise of the PRCs are all factored into DMA's determination. Plants held in Hawaii or Puerto Rico usually are assigned to local PRCs rather than to PRCs on the mainland. DMA usually does not assign plants to PRCs in the northern United States during winter months to avoid freezing while in transit. DMA also considers the expertise and limitations of PRCs. Several have expressed interest only in certain taxa. Others only want shipments containing small quantities of plants. Keeping in mind all of these considerations, DMA tries to assign plants in such a way that each of the PRCs receives at least some each year.

What is the PRC assignment procedure?

1. A CITES plant shipment imported into the United States must be inspected by a USDA plant inspector at the port of import. If the inspector finds that the import does not comply with CITES, the shipment usually is confiscated.

2. Upon confiscation, the plant inspector contacts the appropriate USDA official in Washington, D.C., who then contacts DMA. The plant inspector provides data on the quantity of plants, common or scientific names, country of export/re-export, name and address of the importer (and foreign exporter, if available), and USDA shipment control number.

3. DMA reviews the list of recent assignments and selects a candidate PRC to receive the shipment.

4. DMA contacts the PRC and confirms its interest/ability to receive the shipment, then advises Washington USDA of the PRC selected.

5. Washington USDA contacts the USDA plant inspector, who then packages the

specimens for air or surface shipping and sends them, at U.S. Government expense in most cases, to the PRC. Only rarely will PRC officials be asked to pay shipping charges or pick up specimens at the USDA port office themselves.

6. DMA prepares correspondence to the PRC and the USDA confirming the details of the assignment. DMA also prepares correspondence to notify appropriate officials in the country of export/re-export and inquire about their interest in the return of the shipment.

7. After 30 days, if the country of export/re-export has not claimed the shipment, it becomes part of the PRC's collection.

Can plant shipments be returned to the country of export or re-export?

Confiscated plant shipments are available for return to the country of export/re-export provided that an appropriate official in that country notifies DMA within 30 days and arranges to cover return shipping costs. Several countries have requested that plants be returned and they usually are shipped via a national airline, at no cost to the countries. DMA issues a CITES re-export certificate for shipments to be returned.

What are some recent statistics?

During 2002, the USDA confiscated 281 plant shipments in violation of CITES. These shipments contained a total of 10,127 plants (7,702 orchids, 1,334 cycads, 880 cacti, 146 carnivorous plants, 45 euphorbias, and 20 other species) and an additional 5 kilograms of plant seeds. Of these 281 shipments, 280 were assigned to PRCs. One shipment containing a single orchid plant, was returned to the country of export.

U.S. Fish & Wildlife Service International Affairs

Division of Management Authority

4401 N. Fairfax Drive, Room 700

Arlington, VA 22203

703/358-2104 or 800/358-2104

Fax 703/358-2281

e-mail: managementauthority@fws.gov

<http://international.fws.gov>

<http://permits.fws.gov>

Summer 2003

SAMPLE LETTER - APPLICATION FOR PARTICIPATION IN PLANT RESCUE CENTER PROGRAM

IN REPLY REFER TO:
FWS/DMA CEP 3-09

OMB No. 1018-
Expires

Prospective PRC Institution

Dear Sir/Madam:

Thank you for your letter expressing interest in establishing a plant rescue center for plants imported into the United States in violation of permit requirements under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

At the present time, our office, the U.S. Management Authority for CITES, is required by CITES (Article VIII, paragraph 4) to consult with foreign officials in the country from which the plants were exported and to inform them that the plants were illegally imported into the United States and consequently seized by the U.S. Department of Agriculture. The purpose of this consultation is to determine whether the government of that country wishes the return, at its own expense, of the CITES-listed species of plants that have been confiscated by the U.S. Department of Agriculture. Our procedure is to write or fax foreign officials in the country of export to inform them that plants exported from their country are being held in the United States and that we will attempt to maintain the plants for 30 days, while awaiting their reply concerning the plants' return. We also point out that we cannot guarantee the viability of the specimens being held.

In order to better care for the plants and since the U.S. Department of Agriculture cannot maintain them at their facilities, the Division of Management Authority finds a plant rescue center willing to maintain the specimens for the 30-day waiting period (see enclosure). In rare cases we may extend this waiting period due to the distance between the United States and the country of export. The provisional assignment is made at the same time as our notification to the country of export.

The following working arrangements have been agreed upon by those organizations, now numbering 74, already involved with this program:

- 1) The plant rescue center must be a public botanical garden, arboretum, zoological park, or research institution and it must be a government entity or a governmentally or privately funded nonprofit entity.
- 2) The cooperators must be able to transfer, at their own expense, specimens from the U.S. Department of Agriculture port office to the plant rescue center. In most cases however, specimens will be mailed from the port office to the plant rescue center free of charge to the rescue center.

- 3) The U.S. Department of Agriculture maintains each seized shipment as a unit and the plant rescue center must accept and maintain the unit for the 30-day waiting period. It is necessary to maintain the identity of the unit in the event the country of export requests its return.
- 4) The plant rescue center may incorporate the specimens into its own collection if the country of export does not request their return within the 30-day waiting period. However, the specimens remain the property of the U.S. Government indefinitely.
- 5) After the 30-day waiting period, specimens may be displayed, propagated, or used for other purposes consistent with CITES. The plant rescue center may not trade, sell, or otherwise dispose of these specimens; propagules of these specimens, however, may be disposed of in this manner.

We appreciate your interest in establishing a plant rescue center and your concern in preserving endangered plants that might otherwise be lost due to their illegal importation into the United States.

If your organization is willing and able to perform the plant rescue center operation, as described above, please notify us. In your notification please provide a brief description of your greenhouse or display facilities (including space availability), the names and telephone numbers of any individuals authorized to accept plants on your behalf, and the mailing address where the plants should be sent (if different from your own). Also, if you are limited as to the type of plants you are able to maintain or the quantities you may be able to handle at one time, please list these limitations.

Sincerely,

Andrea Gaski, Chief
Branch of Operations
Division of Management Authority

Enclosure

Notice

Information requested herein is purely voluntary. However, submission of requested information is required in order to become a plant rescue center. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless a currently valid Office of Management and Budget (OMB) control number is displayed. The OMB Control Number for this information collection is 1018-XXXX, which expires _____.

The reporting burden for this information collection is approximately 60 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data, and completing the response letter. You may direct comments regarding the burden estimate or any other aspect of the information collection to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

SAMPLE LETTER ON RECEIPT AND CONDITION OF SPECIMENS

IN REPLY REFER TO:
FWS/DMA CEP 3-14

OMB No. 1018-
Expires

Dear _____:

On _____, the following U.S. Department of Agriculture (USDA)
seized plant shipments were assigned to your institution:

<u>USDA NUMBER</u>	<u>QUANTITY</u>	<u>SPECIES</u>	<u>COUNTRY OF EXPORT</u>
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Please provide the date that you received these plants and their condition upon arrival by writing to me at:

Division of Management Authority
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Room 700
Arlington, Virginia 22203
fax: (703) 358-2298

Thank you for your cooperation as a volunteer rescue center for plants illegally shipped into the United States.

Sincerely,

Andrea Gaski, Chief
Branch of CITES Operations
Division of Management Authority

Notice

Information requested herein is purely voluntary. However, submission of requested information is required for the Fish and Wildlife Service to place shipments with an approved plant rescue center. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless a currently valid Office of Management and Budget (OMB) control number is displayed. The OMB Control Number for this information collection is 1018-XXXX, which expires _____.

The reporting burden on the applicant for this information collection is approximately 30 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing the response letter. You may direct comments regarding the burden estimate or any other aspect of the information collection to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.